

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DAVID WOOD

v.

No. 3:15-cv-594-MHL

CREDIT ONE BANK, N.A.

PLAINTIFF'S POSITION ON HOW CASE SHOULD PROCEED

Plaintiff, David William Wood, in compliance with the Court's Order of September 21, 2017, proposes that this matter should be set for a jury trial¹ at the court's earliest convenience on the remaining fact issues: (1.) the amount of Mr. Wood's actual damages; (2.) whether the Defendant's violations of 15 U.S.C. § 1681s-2(b) were willful; and (3.) if these violations were willful, what is the appropriate amount of punitive and statutory damages that should be awarded.² Plaintiff believes the Court should schedule a two-day trial.

Plaintiff proposes the following schedule:

1. October 20, 2017. The Parties will serve their Final Pre-trial disclosures pursuant to Fed. R. Civ. P. 26(a)(3).
2. October 27, 2017. The Parties will serve any objections to the opposing party's Rule 26(a)(3) disclosures. The Parties will file any motions in limine. The Parties will serve proposed jury instructions.

¹ The Parties have attended two settlement conferences to date – the second one after the Court had already entered its dispositive order. Notwithstanding his inability to get the case resolved in those attempts, Mr. Wood has conveyed a settlement demand and if and when he receives an offer of settlement will continue to attempt such alternative.

² Pursuant to 15 U.S.C. § 1681n, upon a finding that Defendant's violations were willful, he may recover the greater of his actual damages or statutory damages between \$100 and \$1,000.

3. November 10, 2017. The Parties will file their proposed joint Scheduling Order, including proposed findings of fact and triable issues, agreed exhibits, witnesses and discovery designations, and a chart of objected exhibits, witnesses, and discovery designations. The parties will file oppositions to the motions in limine. The Parties will serve any opposition or proposed edits to the opposing Party's jury instructions.

4. November 17, 2017. The Parties will file any replies in support of their motions in limine. A Party will serve any Reply in support of their proposed jury instructions.

5. After November 17, 2017. The Parties would be ready for a Final Pre-trial Conference and then for trial.

Respectfully,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October 2017, I served a true and correct copy of the foregoing document by filing it in the CM/ECF system, which will electronically notify (NEF) the following:

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